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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,393	02/05/2002	Richard St. Clair Bailey	MS1-1008US	4781
22801	7590	01/04/2006		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/072,393

Applicant(s)

BAILEY ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-20,22 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-20,22 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20051206; 20050629; 20041115</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 September 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-20, 22, and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Qureshi et al (US Patent 6,456,305), hereinafter Qureshi.

Regarding claim 1, Qureshi teaches establishing a tiered sizing schema that defines multiple size tiers for display objects to be displayed in a graphical user interface (taught as the use of DIV tags for defining multiple dimensions for objects to be displayed in an interface, at col. 8, line 62 through col. 9, line 12), establishing readability constraints for sizes of text objects to be displayed in the GUI (as can be seen from the "Min Font" and "Max Font" parameters of

Fig. 11), receiving a GUI configuration from an application program, wherein the GUI configuration includes display object instances, text object instances, and a placement of the display object instances and the text object instances in the GUI (taught as the downloading and display of Slide HTML pages, which define the size and placement of objects comprising an interface to a user, at col. 9, lines 27-44), in response to an original equipment manufacturer software modification of the GUI configuration, adapting sizes of the display object instances according to the tiered sizing schema and adapting sizes of the text object instances according to the readability constraints (taught as the scaling of an HTML page and its objects to match the resolution of a hardware device, at col. 6, lines 48-62), and adapting placement to an aspect ratio of a hardware display (taught as the scaling of an HTML page to match the resolution of a hardware device, from which an aspect ratio can be inferred, at col. 6, lines 48-53).

Regarding claim 6, Qureshi teaches providing one or more interfaces that enable visual aspects of the display object instances to be externally defined prior to the adapting sizes of the display object instances and prior to the adapting the placement, taught as the use of an options menu for defining parameters related to the interface objects, at col. 15, lines 45-54 and Fig. 11.

Regarding claim 7, Qureshi teaches a first definition for a size of a first-sized display object, the first-sized display object being defined according to first fractions of a height and a width of a display, a second definition for a size of a second-sized display object, the second-sized display object being defined according to second fractions of the height and width of the display (taught as the use of DIV tags for defining multiple dimensions for objects to be displayed in an interface, at col. 8, line 62 through col. 9, line 12, and shown in Figs. 12 and 13), wherein display objects of a GUI configuration received from an application program are

adapted such that the display objects are resized for compatibility with an OEM modification of the GUI configuration and for compatibility with an aspect ratio of a hardware display, the display objects being resized according to the first definition and the second definition (taught as the scaling of an HTML page and its objects to match the resolution of a hardware device, at col. 6, lines 48-62).

Regarding claim 8, Qureshi teaches the fraction of a height and width of a display further comprises a percentage of the height of the display measured from a top edge of the display, and a percentage of the width of the display measured from a left edge of the display, respectively, as can be seen in the DIV tags of Fig. 13.

Regarding claim 9, Qureshi teaches defining multiple upper left bounds of a display object to be displayed on a display according to a fraction of a height of the display and a fraction of the width of the display, defining multiple lower right bounds of the display object according to a fraction of the height and the width of the display, defining multiple sizes for the display object according to a tiered sizing schema for display objects (as can be seen in the DIV tags of Fig. 13), receiving a GUI configuration from an application program, wherein the GUI configuration specifies the display object, an upper left bound, a lower right bound, and a size of the display object, and adapting the upper left bound, the lower right bound, and the size to an OEM modification of the GUI configuration and to an aspect ratio of a hardware display by selecting one of the defined multiple upper left bounds, one of the defined lower right bounds, and one of the defined sizes (taught as the downloading and display of Slide HTML pages, which define the size and placement of objects comprising an interface to a user, at col. 9, lines

27-44, and the scaling of an HTML page to match the resolution of a hardware device, from which an aspect ratio can be inferred, at col. 6, lines 48-53).

Regarding claims 10 and 11, Qureshi teaches the fraction of the height of the display further comprising a percentage of the height of the display from a top edge of the display, and the fraction of the width of the display further comprising a percentage of the width of the display from a left edge of the display, taught as the use of DIV tags for defining multiple dimensions for objects to be displayed in an interface, at col. 8, line 62 through col. 9, line 12, and shown in Figs. 12 and 13.

Regarding claim 12, Qureshi teaches one or more interfaces that enable visual aspects of the display object to be externally defined prior to the adapting, as can be seen in Fig. 11.

Regarding claim 13, Qureshi inherently teaches rendering the display object on the display, as HTML pages are downloaded and displayed on a hardware device.

Regarding claim 14, Qureshi teaches defining visual aspects of a graphical user interface to render on a display, the graphical user interface containing at least one display object, wherein the size and location information regarding the display object are received from an application that utilizes the graphical user interface (the options screen of Fig. 11), in response to a modification of the display object by an OEM software and in response to sensing an aspect ratio of a hardware display, redefining the size and location information with a tiered sizing schema (taught as the use of DIV tags for defining multiple dimensions for objects to be displayed in an interface, at col. 8, line 62 through col. 9, line 12, and shown in Figs. 12 and 13,

and the scaling of an HTML page to match the resolution of a hardware device, from which an aspect ratio can be inferred, at col. 6, lines 48-53).

Regarding claim 15, Qureshi teaches the tiered sizing schema defining sizes of the display object that are allowed for use with the graphical user interface, as can be seen in Figs. 12 and 13.

Regarding claim 16, Qureshi teaches the size and location of the display object being determined by two or more bounds locations, each bound location being defined as a fraction of height and width of the bound location with respect to a height and width of the display, respectively, at col. 9, lines 27-44 and shown in Figs. 12 and 13. As any percentage has a fractional equivalent, the percentages shown in Figs. 12 and 13 may similarly be represented as fractions without departing from the spirit or scope of the invention.

Regarding claim 17, Qureshi teaches the fraction of height with respect to the height of the display further comprising a percentage of the height of the display from a top edge of the display, as can be seen in the DIV tags of Figs. 12 and 13.

Regarding claim 18, Qureshi teaches the fraction of width with respect to the width of the display further comprises a percentage of the width of the display from a left edge of the display, at col. 9, lines 27-44 and shown in Figs. 12 and 13.

Regarding claim 19, Qureshi teaches the defining visual aspects of the graphical user interface further comprising defining visual aspects of display objects in the graphical user interface, as can be seen in Fig. 11.

Regarding claim 20, Qureshi teaches the defining visual aspects of the graphical user interface further comprising defining visual aspects of display objects in the graphical user interface, and wherein the defining visual aspects of the display objects is independent of defining the size and location of the display objects by the application, taught inherently as the creation of an HTML page, which would include any text or graphical content intended for display to a user, without the specificity of size and location by the application.

Regarding claim 22, Qureshi teaches receiving a configuration for a graphical user interface from an application program, wherein the GUI includes display objects and wherein the GUI is potentially usable on different display hardware having different height, width, resolution, and operating system platform characteristics (taught as the scaling of an HTML page and its objects to match the height, width, and resolution of a hardware device, at col. 6, lines 48-62. It is well known in the art that many documents and applications created in the "Windows 98" operating system [col. 3, lines 32-36] are portable across other Windows operating systems, such as "Windows 95" and "Windows NT"), the display rendering module to define a tiered sizing schema for display objects in the graphical user interface (as can be seen from the DIV tags of Figs. 12 and 13), the display rendering module to receive a modification of the configuration from an OEM software (the rendering of the GUI on a display having a different resolution than originally encoded, at col. 6, lines 48-53), the display rendering module to select tiered sizes for the display objects in order to transform the GUI configuration from the



application program into the modified GUI configuration of the OEM software, the display rendering module to scale locations of the display objects in the GUI to an aspect ratio of one of the display hardware, and one of the display hardware having the aspect ratio, to display the GUI (taught as the use of DIV tags for defining multiple dimensions for objects to be displayed in an interface, at col. 8, line 62 through col. 9, line 12, and shown in Figs. 12 and 13, and the scaling of an HTML page to match the resolution of a hardware device, from which an aspect ratio can be inferred, at col. 6, lines 48-53).

Regarding claim 25, Qureshi teaches the application program also defining display objects according to the tiered sizing schema, the visual aspects of the graphical user interface conforming to the tiered sizing schema, and the tiered sizing schema defining one or more display object sizes to which the display objects contained in the graphical user interface must conform, taught as the downloading and display of Slide HTML pages, which define the size and placement of objects comprising an interface to a user, at col. 9, lines 27-44, and shown in Figs. 12 and 13.

Regarding claim 26, Qureshi teaches the tiered sizing schema further comprising definitions for a small-sized display object, a medium-sized display object, and a large-sized display object, taught as the resizing and repositioning of an interface based on the size of the intended display, whether it be smaller, the same size, or larger than the originally encoded display size, at col. 8, line 62 through col. 9, line 26.

Regarding claims 27 and 28, Qureshi teaches the tiered sizing schema defining the sizes according to a fraction of the height and width of the display, and the tiered sizing schema

defines the sizes according to a percentage of the display that each display object may occupy, at col. 9, lines 27-44 and shown in Figs. 12 and 13. As any percentage has a fractional equivalent, the percentages shown in Figs. 12 and 13 may similarly be represented as fractions without departing from the spirit or scope of the invention.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 6-20, 22, and 25-28 have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell

  
CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER